

MISSOURI BOARD OF PHARMACY,

Petitioner,

v.

Case No. 18-0591 PH

Jody Elmore, R.Ph.

Respondent

**FINDINGS OF FACT, CONCLUSIONS OF LAW  
AND DISCIPLINARY ORDER**

This matter appears before the Missouri Board of Pharmacy pursuant to a Consent Order issued by the Administrative Hearing Commission as a result of a Stipulation of Cause to Discipline between Missouri Board of Pharmacy and Jody Elmore, R.Ph. and Consent Order issued by the Administrative Hearing Commission on February 19, 2019, both of which were incorporated into the record of this matter. See page 9 of the transcript. Each Board member participating in this decision read the Consent Order issued by the Administrative Hearing Commission and the Joint Stipulation for Cause to Discipline between Missouri Board of Pharmacy and Elmore, as well as each exhibit and considered each exhibit in reaching the decision reflected in this Order. See page 9 of the transcript.

**Findings of Fact**

1. The Board set this matter for hearing and served notice of the disciplinary hearing upon respondent and her attorney of record at the time the notices were sent. See pages 7 and 8 of the transcript.
2. Pursuant to notice and Section 621.110, RSMo, this Board held a hearing on April 10, 2019, at the Hilton Garden Inn Hotel, Columbia, Missouri, for the purpose of determining the appropriate disciplinary action against the intern pharmacist license of respondent. Elmore appeared in person. The Board was represented by Alicia Turner. See pages 4-8 of the transcript. Ms. Elmore had been represented by an attorney in the criminal charges referenced herein, and that attorney did sign the Stipulation for Cause to Discipline and received notice of this hearing. However, he did not represent Ms. Elmore at the disciplinary hearing and Ms. Elmore represented herself at that hearing. See pages 7-9 and 21-22 of the transcript.

3. All Board members participating in the decision of the Board were present throughout the disciplinary hearing. The members participating were Christian Tadrus, Doug Lang, James Gray, and Pam Marshall. See pages 4-5 of the transcript. Board member Anita Parran was not present and Board members Colby Grove and Christina Lindsay recused themselves from this proceeding. See pages 4-9 of the transcript. The members who participated in the decision represented in this Order read the Stipulation for Cause for Discipline and Consent Order issued by the AHC. See page 9 of the transcript.
4. The Missouri Board of Pharmacy ("Board") is an agency of the state of Missouri created and established pursuant to Section 338.110, RSMo, for the purpose of executing and enforcing the provisions of Chapter 338, RSMo.
5. Respondent was licensed by the Board, License No. 2014032970, which intern pharmacist license was current and active at the time of the incidents which form the basis of the charge. That license is now expired. See page 6 of the transcript.
6. The Joint Stipulation to Cause for Discipline had certain provisions regarding the facts that the parties agreed give cause to discipline the license of the respondent. See Joint Stipulation and the Consent Order of the Administrative Hearing Commission. Respondent agreed at the AHC hearing that she committed acts that give cause for the Board to impose discipline on her intern pharmacist license. See Exhibits 3 and 4 and pages 17-18 and 22-24 of the transcript.
7. Petitioner's Exhibits 1-5 were admitted into the record and the Board considered each exhibit in deciding the discipline it imposes in this Order. See page 12 of the transcript.
8. Respondent's exhibits A-J were admitted into evidence. See page 14 of the transcript. The Board considered each of these exhibits when rendering its decision reflected in this Order.
9. Ms. Elmore conceded that she committed the acts alleged by the Board. See pages 17-18 and 22-24 of the transcript.
10. Respondent admitted that she was discharged from employment at CVS in January 2018 because she attempted to obtain controlled substances through fraudulent prescriptions. See pages 17-18 of the transcript.
11. Ms. Elmore admitted herself into the Midwest Institute for Addiction (MIA) on January 16, 2018. See page 17 of the transcript and Exhibit A.

12. MIA dismissed Ms. Elmore from its program on July 26, 2018, and transferred her treatment to her primary care physician at that time. See page 17 of the transcript and Exhibit 1-A. MIA also stated that it believed that Ms. Elmore was ready to return to her pharmacy education in a letter dated March 16, 2018. See pages 17-18 of the transcript and Exhibit 1-A.
13. Ms. Elmore pled guilty to four felony counts of fraudulently attempting to obtain controlled substances. The circuit court of Clay County admitted her to a court supervised drug court program. See page 18 of the transcript and Exhibits 1-C, D, and E.
14. Ms. Elmore explained her treatment at MIA and her treatment since her discharge from that program and her treatment by her primary care physician. See pages 18-21 and 23 of the transcript and Exhibits 1-E, F, G and H.
15. The parties agreed that the Board has authority to discipline the pharmacist intern license of Ms. Elmore as provided in Section 338.055.2 (1), (5), (6), (13), (15), and (17). See Joint Stipulation. The Joint Stipulation and the testimony of Ms. Elmore demonstrate that Ms. Elmore understands that she violated provisions of Chapter 338 to the extent that the Board may impose whatever length and terms of discipline it chooses.

#### **Conclusions of Law**

16. The Board has jurisdiction over this proceeding in that the parties have agreed that the Board has cause to discipline the license of the respondent. State Board of Registration for the Healing Arts v. Masters, 512 S.W.2d 150, 160-161 (Mo. App., K.C.D. 1974).
17. The Board has jurisdiction to take disciplinary action against respondent in that the parties have agreed that such action may be taken.
18. Respondent's license to practice as a pharmacy intern, numbered 2014032970, is subject to revocation, suspension, probation, or censure by the Board pursuant to the provisions of Section 338.055.2 (1), (5), (6), (13) (15), and (17). The Board determined the discipline imposed as set forth below based upon the facts of this case, and in consideration of the testimony presented at the hearing.

### **Disciplinary Order**

Therefore having considered all of the evidence before the Board, it is the ORDER of the Missouri Board of Pharmacy that the intern pharmacist license issued to respondent, number 2014032970 that has expired, is hereby **REVOKED**. The Board will allow respondent to file an application for a new intern pharmacist license. If she does file an application for such a new license, the Board will **SUSPEND** such a license for three years or until respondent becomes admitted to a school of pharmacy. If respondent becomes admitted to such a school, the new intern pharmacist license will be placed on **PROBATION** for **5 years**, subject to the terms set forth below in the following paragraphs. If she does not complete her pharmacy education within the period of probation on this new intern pharmacist license, such license will be REVOKED.

If the respondent completes her pharmacy school education and applies for a pharmacist license and successfully passes all tests necessary for qualifying for a pharmacist license, the Board will consider all the facts leading to this Order, this Order, and any additional information that comes to the attention of the Board for the Board to consider in either denying such an application for a pharmacist license or to issue such a pharmacist license, subject to such terms of probation that it deems appropriate as provided in Section 324.038 RSMo and any other statutory provisions then in existence.

**The following terms shall apply to the entire disciplinary period of the new intern pharmacist license issued to respondent if she applies for one.**

1. Respondent shall comply with all applicable provisions of Chapter 338, Chapter 195, Chapter 196 and all applicable federal and state pharmacy/drug laws and regulations and all federal and state criminal laws. "State" here includes the State of Missouri and all other states and territories of the United States.
2. Respondent shall keep the Board apprised of his/her current home, electronic mail (e-mail) and work addresses and telephone numbers. Respondent shall notify the Board of any change in Respondent's employer or Respondent's home or work address within ten (10) days of such change in a manner approved by the Board. For employer/work changes, Respondent's notification shall include the reasons for the change. If at any time Respondent is employed by a temporary employment agency or maintains employment that requires frequent daily or weekly changes of work locations he/she must provide the Board a list of locations worked if requested by the Board or Board's representative.
3. If Respondent's license expires or becomes void/invalid, upon renewal or reapplication Respondent's license shall be subject to all terms and conditions of discipline not previously satisfied, including, any remaining suspension/probationary period.

4. Respondent shall cooperate with the Board's monitoring and investigation of Respondent's compliance with the terms and conditions of this Disciplinary Order. Respondent shall make herself available for personal interviews to be conducted by a member of the Board or the Board of Pharmacy staff. Said meetings shall be at the Board's discretion and may occur periodically during the disciplinary period.
5. Respondent shall respond to any written inquiry of the Board and provide any requested documentation/records within three (3) days of receipt of a written request from the Board or the Board's authorized designee, or as otherwise requested by the Board/Board designee.
6. If requested by the Board, Respondent shall submit to a criminal history background check via the Board's approved vendor at Respondent's cost. Unless otherwise directed by the Board, Respondent shall submit the required fingerprints and undergo the requested criminal history background check within ten (10) days of the Board's request.
7. Respondent shall submit to any drug, alcohol or urinalysis testing requested by the Board, at Respondent's cost. Testing may be conducted on any human sample, including, but not necessarily limited to, urine, blood, breath, hair, nails, skin or saliva. The timing, manner and scheduling for testing is within the Board's sole discretion.
8. Respondent shall report any of the following occurrences to the Board, in writing, within seventy-two (72) hours of such occurrence:
  - a. Any arrest or issuance of a criminal complaint;
  - b. Any municipal/local arrest, citation or complaint relating to drugs, theft, shoplifting, burglary, possession of drug paraphernalia, driving or operating a motor vehicle under the influence/while intoxicated or illegally possessing, selling or purchasing alcohol, any drug or drug paraphernalia;
  - c. A finding or plea of guilty or nolo contendere in any state or federal criminal proceeding to any criminal complaint, information or indictment, including, but not limited to, any deferred or diverted adjudication, order or agreement;
  - d. A conviction of any crime, including, but not limited to, any Suspended Imposition of Sentence ("SIS") or Suspended Execution of Sentence ("SES");
  - e. A finding by a court that Respondent has violated any term of his/her criminal probation/parole;
  - f. Any discipline, citation, or other administrative action filed or taken against Respondent by any state board/committee of pharmacy, or any other state or federal agency.

Failure to timely report any of the foregoing occurrences shall be considered a disciplinary violation.

9. If Respondent is currently or begins serving any period of criminal probation/parole, Respondent shall provide the name of his or her probation/parole officer to the Board, in writing, within ten (10) days of the effective date of this Order/Agreement or within ten (10) days of the designation of a probation/parole officer. If Respondent's probation/parole officer is changed for any reason, Respondent shall submit the name of the replacement officer to the Board within ten (10) days of the change/modification. Respondent shall execute a release authorizing his/her probation or parole officer to provide to the Board any information relating to Respondent's probation or parole.

Respondent shall maintain the release in effect and shall provide an updated release if requested by the Board.

10. Respondent shall file a "Disciplinary Compliance Report" with the Board in a form/manner approved by the Board. The Disciplinary Compliance Report shall be due by January 1 and July 1 of each calendar year. Respondent's final Disciplinary Compliance Report shall be filed no later than ninety (90) days before the end of the probationary period.
11. Should Respondent apply for a pharmacist license during this disciplinary period, the terms of this agreement may be transferred to the Respondent's pharmacist license.
12. Respondent's failure to comply with any condition of discipline set forth herein constitutes a violation of this disciplinary Order/Agreement.
13. The parties to this Order/Agreement understand that the Board of Pharmacy will maintain this Order/Agreement as an open record of the Board as provided in Chapters 324, 338, 610, RSMo.

#### **NOTICE TO EMPLOYERS**

14. If applicable, Respondent shall notify any employer of the employer's need to apply for and receive the necessary state (misdemeanor/felony) and federal (felony) waivers from the Bureau of Narcotics and Dangerous Drugs and the Drug Enforcement Administration in order to be employed within a facility that maintains state or federal registrations for the purpose of storing, distributing or dispensing controlled substances.
15. Except as otherwise provided herein, "Employment" within the meaning of this Order/Agreement shall include any full-time, part-time, temporary, relief or pharmacy management service as a pharmacist or any position for which a pharmacist license, pharmacy intern license or pharmacy technician registration is a requirement or criterion for employment, regardless of whether Respondent is an employee, independent contractor, volunteer, instructor or consultant. "Employment" shall also include any entity, including pharmacy school rotation site, where legend drugs are stored, sold, dispensed or distributed.
16. Respondent shall notify any current or future employers of this action by providing a copy of this Disciplinary Order/ to the pharmacist-in-charge or manager-in-charge of any pharmacy or drug distributorship where Respondent is employed, on or before the effective date of discipline or prior to accepting any offer of employment.
  - a. If Respondent is not or will not be employed by a pharmacy or drug distributor, the notice shall be provided to Respondent's direct supervisor at Respondent's current/prospective place of employment, as defined herein, within the timeframes required by this section.
  - b. For purposes of this Order/Agreement, a pharmacy shall also include, but is not limited to, any location providing pharmacy services for inpatients of a licensed hospital or residents of a long term care facility.
17. Respondent shall cause the pharmacist-in-charge, manager-in-charge or supervisor to sign a written acknowledgment on a form approved by the Board indicating that he/she has received and reviewed the Disciplinary Order and the terms and conditions imposed thereby. The written acknowledgement shall be signed and dated by the applicable

pharmacist-in-charge, manager-in-charge or supervisor and shall be submitted to the Board by Respondent for verification within ten (10) days of the dated signature. Respondent shall be responsible for ensuring the required signed acknowledgments are timely submitted to the Board.

18. If at any time Respondent is employed by a temporary employment agency, Respondent must provide each employment agency a copy of this Disciplinary Order prior to being assigned to a temporary employment site. Respondent shall also provide a copy of the Disciplinary Order to each pharmacist-in-charge or manager-in-charge of each pharmacy or drug distributor where Respondent is assigned to work. If the pharmacist-in-charge or manager-in-charge is not present at the employment site, a copy of the Disciplinary Order shall be left at the applicable site for the pharmacist-in-charge/manager-in-charge to review. Respondent shall provide an accurate listing of all employment/work sites where Respondent has been assigned if requested by the Board or the Board's authorized designee.
19. Licensee shall execute any release or provide any authorization necessary for the Board to obtain records of Respondent's employment during the period covered by this Disciplinary Order.

#### **CHEMICAL DEPENDENCY**

20. Respondent shall abstain completely from the use or consumption of alcohol in any form, including over-the-counter medications and mouthwashes. The presence of any alcohol or alcohol metabolite whatsoever in a biological fluid sample shall constitute a violation of discipline.
21. Respondent shall abstain completely from the personal use of any controlled substance or other drug for which a prescription is required unless use of the drug has been prescribed by an authorized prescriber with whom Respondent has a bona fide patient relationship. Upon request, Respondent shall execute a medical release authorizing the prescriber to release treatment/medical records to the Board and/or communicate with the Board, or its representative, regarding Respondent's treatment. The presence of any controlled substance for which Respondent does not hold a valid prescription shall constitute a violation of discipline.
22. Respondent shall inform any prescriber issuing a prescription for Respondent that Respondent has been disciplined by the Board for issues relating to chemical misuse, dependency or impairment. Additionally, Respondent shall provide a copy of this Order to all prescribers issuing/renewing a controlled substance or nalbuphine prescription to Respondent. Disclosure shall be made before the issuance of any new prescription(s). In the case of renewed/refilled prescriptions, disclosure shall be made within ten (10) days of the effective date of this Order/Agreement.
23. Within 10 days of the effective date of this Order/Agreement, Respondent shall provide the Board office a copy of all controlled substance prescriptions in Respondent's possession on the effective date of discipline. In lieu of prescription copies, Respondent may provide a list of all controlled substances prescribed on a form provided by the Board.

24. Respondent shall provide the Board with a copy of each prescription received, controlled or non-controlled, within five (5) days of Respondent's receipt of the prescription.
25. Respondent shall ensure that he/she is not in the same physical location as individuals who are using illicit drugs/substances, even if Respondent is not personally ingesting the drug/substance.
26. Respondent shall not be personally involved in any aspect of a pharmacy's processing, dispensing, or billing of any prescription for herself or any family member, including, but not limited to, recording any telephone prescription or verbal refill authorization.
27. Respondent shall execute a release that allows the Board to obtain treatment, medical, assessment, attendance, counseling or evaluation records from any person or support groups providing treatment, evaluation or counseling. Licensee shall take any and all steps necessary to continue the release(s) in effect for the entire period covered by this Order/Agreement. If requested by the Board, Respondent shall provide any new or additional release(s) within three (3) days of a request in a form provided by the Board.
28. Respondent shall take all necessary steps to ensure that any reports required by this Order/Agreement are timely submitted to the Board.
29. If directed by the Board, Respondent shall become a participant in the Board's Well-Being Program established pursuant Section 338.380, RSMo, for the remainder of the disciplinary period, when the Program is fully operational. When notified by the Board, Respondent shall enroll in the Program as directed by the Board. Respondent shall bear all the costs of the Program.
30. Respondent shall bear all costs of complying with this Disciplinary Order.

**DRUG TESTING:**

31. Respondent may use the Clay County Drug Court drug testing program to meet the requirement of paragraphs 32 through 35. Respondent must report to the Board any positive drug testing results from the Clay County Drug Court program within 7 days of knowledge of such results. Should Respondent cease participation in or complete the Clay County Drug Court program, Respondent must comply with paragraphs 32 through 35.
32. Respondent shall participate in the Board's random drug testing/urinalysis program administered by FSSolutions, the Board's approved drug testing/urinalysis vendor.
33. Licensee shall enroll in FSSolutions' Professional Health Monitoring Program, on or before the effective date of this Disciplinary Order. Respondent shall comply with all requirements imposed by FSSolutions for the Professional Health Monitoring Program, including, but not limited to, any drug test/urinalysis requirements, any scheduling requirements, any reporting or telephone contact requirements and any requirements for payment of fees, purchasing/maintaining chain of custody (COC) forms or other required program documents/materials.
34. Respondent shall undergo periodic drug testing/urinalysis as requested by the Board or FSSolutions, at Respondent's cost. Testing may be conducted on any human sample,



including, but not necessarily limited to, urine, blood, breath, hair, nails, skin or saliva. The timing, manner and scheduling for testing shall be within the Board's sole discretion.

35. If the Board's approved drug testing/urinalysis vendor changes from FSSolutions, Respondent shall participate in and comply with any drug testing/urinalysis requirements requested by the Board or any subsequent Board approved vendor, including, but not limited to, any requirements for program enrollment, test scheduling, reporting or telephone contact, payment of fees, purchasing/maintaining chain of custody (COC) forms or any other required documents/materials.

#### **CHEMICAL DEPENDENCY EVALUATION:**

36. As long as Respondent is participating in the Clay County Drug Court treatment program paragraphs 37 through 51 do not apply. Should Respondent cease participation in or complete the Clay County Drug Court treatment program, Respondent must comply with paragraphs 37 through 51.
37. Within sixty (60) days of the effective date of this Order/Agreement, Respondent shall undergo an initial chemical dependency evaluation performed by a licensed or certified chemical dependency professional approved by the Board.
38. The initial chemical dependency evaluator must be approved by the Board prior to the evaluation. The name and documentation of the credentials of the required chemical dependency evaluator shall be submitted to the Board for approval within thirty (30) days after the effective date of this Order/Agreement. Respondent shall provide a copy of this Order/Agreement to the approved evaluator before the initial evaluation is performed.
39. Respondent shall cause the evaluator to submit an initial evaluation report to the Board within ten (10) days after the evaluation has been completed. The evaluation report shall be mailed directly to the Missouri Board of Pharmacy, P.O. Box 625, Jefferson City, Missouri 65102, and shall include:
  - a. An analysis/assessment of licensee's present state of impairment and whether Respondent is physiologically or psychologically alcohol or drug dependent;
  - b. A description of the tests performed and the results;
  - c. Discussion of relevant clinical interview findings/interpretations;
  - d. Specification of any DSM IV diagnosis/es;
  - e. Assessment of Respondent's fitness/ability to safely engage in the practice of pharmacy without posing a threat to Respondent or the public;
  - f. An assessment for future prospects for recovery, and;
  - g. Any appropriate treatment recommendations/plan, including, but not limited to, the recommended beginning date of treatment, nature of treatment (i.e.- outpatient, inpatient, after care), treatment duration and any recommended after care or support group attendance. If there is no diagnosis requiring treatment, this should be reported in the evaluation.
40. Respondent shall execute a medical release for the approved evaluator that allows the Board to obtain the evaluation and any supporting documents/medical records.

**IF TREATMENT IS NOT RECOMMENDED:**

41. If the approved chemical dependency evaluator determines that treatment, counseling or further support group attendance is not recommended, the finding must be specifically documented in the required evaluation report.
42. The Board reserves the right to request a subsequent chemical dependency evaluation of Respondent at any time during the disciplinary period. If requested by the Board, the evaluations shall be performed by a licensed or certified chemical dependency professional approved or designated by the Board. Respondent shall submit to the examination as requested by the Board at Respondent's expense. If further evaluation is requested by the Board, Respondent shall comply with all provisions of this Order regarding the initial chemical dependency evaluation, including, submission of an evaluation report and compliance with all treatment, counseling or evaluation recommendations.
43. If no further treatment is recommended, Respondent shall continue to comply with all remaining provisions of this Disciplinary Order, including, but not limited to, all drug/urinalysis testing and reporting requirements.

**IF TREATMENT IS RECOMMENDED:**

44. Respondent shall follow any recommendations made by the approved chemical dependency evaluator for treatment, counseling, evaluation, after care or support group attendance (i.e.- Narcotics/Alcoholics Anonymous).
45. All treatment/counseling providers or programs used to satisfy the recommendations of the chemical dependency evaluator or the requirements of this Order/Agreement must be approved by the Board in advance. The Board shall only approve entities/persons sufficiently qualified and licensed to provide the applicable treatment, evaluation or counseling.
  - a. If the recommended treatment, counseling or evaluation will be provided by any person or entity other than the Board approved evaluator/program, Respondent shall submit written documentation of the credentials and qualifications of the proposed provider/program to the Board for approval within ten (10) days of a recommendation from the Board approved chemical dependency evaluator.
  - b. For individual providers, documentation shall include a listing of any applicable professional designation(s)/license(s) and a resume/curriculum vitae. For entities, documentation shall include a detailed description of the program, participant requirements, individual provider qualifications and length of program operation.
46. All chemical dependency treatment programs shall comply with the provisions of this Disciplinary Order and 20 CSR 2220-2.170(6), including, but not limited to, the following:
  - a. A written agreement or contract executed between Respondent and the program/provider, outlining the responsibilities of each party for a successful treatment and monitoring program. The agreement must include a provision for sharing information concerning all aspects of therapy between the treatment facility/counselors and the Board. The agreement/contract must also include a provision authorizing the program/provider to report to the Board any violation of the treatment contract/agreement by Respondent, including, but not limited to, any positive drug/urinalysis test for any substance not supported by a valid prescription.

- b. The treatment program must include randomized and witnessed body fluid testing and analysis.
  - c. Respondent shall cause Progress Reports to be submitted to the Board by the approved program/provider as follows:
    - 1. Inpatient therapy— Monthly reports;
    - 2. Outpatient therapy— Quarterly reports; and
    - 3. After-care programs— Semiannual reports.
  - d. Progress Reports shall be based on a recent evaluation/consultation. Such evaluation/consultation shall not have occurred more than six (6) weeks prior to the Progress Report due date established herein. At a minimum, the Progress Report shall include:
    - i. An evaluation of Respondent's current progress and prognosis;
    - ii. An assessment of Respondent's compliance with all treatment recommendations/plan;
    - iii. An assessment of Respondent's fitness/ability to safely engage in the practice of pharmacy without posing a threat to Respondent or the public, and;
    - iv. Any additional or revised treatment recommendations/plans. Respondent shall fully comply with the revised treatment recommendation/plan.
47. **Support Group Attendance:** If support group attendance is recommended by an approved evaluator/provider, Respondent shall attend support group meeting(s) as recommended (i.e.- Narcotics Anonymous, Alcohol Anonymous, Al-Anon). Respondent shall submit proof of attendance to the Board with Respondent's Disciplinary Compliance Report. Attendance documentation shall include the date, time, and place of each meeting and shall bear a signature or abbreviated signature of another person verifying attendance.
48. Respondent shall notify the Board immediately if Respondent voluntarily or involuntarily ceases treatment or counseling with the Board approved provider. Notification shall include the date of cessation and the reasons for ceasing treatment/counseling. Respondent shall submit the name of a replacement treatment/counseling provider within thirty (30) days of ceasing treatment/counseling.
49. If Respondent's treatment is successfully completed at any time during the disciplinary period, Respondent shall cause the Board-approved chemical dependency professional to submit a report of final evaluation/summary. The final evaluation/summary shall include:
  - a. A statement that Respondent has successfully completed treatment;
  - b. An assessment of Respondent's fitness/ability to safely engage in the practice of pharmacy without posing a threat to Respondent or the public, and;
  - c. Any recommendations for after care or support group attendance. If continued after care/support group attendance is recommended, Respondent shall comply with all terms in this Disciplinary Order related to support group attendance and documentation.
50. The Board reserves the right to request a subsequent chemical dependency evaluation of Respondent at any time during the disciplinary period. If requested by the Board, the evaluations shall be performed by a licensed or certified chemical dependency professional approved or designated by the Board. Respondent shall submit to the examination as requested by the Board at Respondent's expense. Respondent shall comply with all provisions of this Order regarding the initial chemical dependency

evaluation, including, submission of an evaluation report and compliance with all treatment, counseling or evaluation recommendations.

51. If treatment is completed, Respondent shall continue to comply with all remaining provisions of this Disciplinary Order, including, but not limited to, all drug/urinalysis testing and reporting requirements.

**The following terms apply only during the period of SUSPENSION:**


**SUSPENSION**

1. Respondent shall not engage in any activity or conduct in the State of Missouri for which a license as a pharmacist, intern pharmacist, or a registration as a pharmacy technician is required.
2. Respondent shall not practice pharmacy nor do any act involving drug selection, ordering of legend drugs for a licensed pharmacy or drug distributor, drug manufacturing, compounding, dispensing or patient consultation.
3. Respondent shall not direct or control any aspect of the practice of pharmacy. Additionally, Respondent shall not manage, administer or be a consultant to any licensee of the Board or have access to or control the ordering, manufacturing or dispensing of legend drugs or controlled substances. Respondent may, however, continue to own or hold an interest in any licensed premises in which he/she holds an interest at the time this Order/Agreement becomes effective, unless otherwise specified by this Order/Agreement.
4. Respondent shall not be physically present in a pharmacy during suspension except as a bona fide customer. Respondent may, however, be employed at a facility that maintains a pharmacy, so long as that employment does not include the practice of pharmacy, require registration as a pharmacy technician, or require and/or permit Respondent's physical presence in the licensed (permit) area of the facility or any area used to store, stock or dispense legend drugs.
5. Respondent shall not serve as the manager-in-charge of any drug distributor during the period of suspension and shall not direct or control any aspect of drug distribution in this state. Respondent may continue to own or hold any interest in a drug distributor which Respondent holds at the time this Order/Agreement becomes effective unless otherwise specified by this Order/Agreement.
6. Respondent shall not be personally involved in any aspect of a pharmacy's processing, dispensing, or billing of any prescription for himself/herself or any family member.
7. Respondent shall not post any indicia of his/her Missouri intern pharmacist licensure in a public space (i.e. - the original wall-hanging certificate, the computer generated 5" x 7" license, or the wallet card).

This Order shall become effective **fifteen (15) days** after it is signed by the Executive Director.

ENTERED THIS 22<sup>nd</sup> DAY OF MAY, 2019

(BOARD SEAL)



KIMBERLY GRINSTON  
EXECUTIVE DIRECTOR  
MISSOURI BOARD OF PHARMACY